

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARSENIO RUSSHON MORGAN,

Plaintiff,

v.

MICHAEL BROWN, *et al.*,

Defendants.

Case No. 2:20-cv-1433-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO STATE A CLAIM

THIRTY-DAY DEADLINE


Plaintiff Arsenio Morgan is a state prisoner proceeding without counsel in this action. On September 29, 2020, plaintiff's complaint was dismissed pursuant to 28 U.S.C. § 1915A(a), and plaintiff was granted thirty days to file an amended complaint. *See* ECF No. 5. To date, plaintiff has not filed an amended complaint.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 Plaintiff will be given an opportunity to explain why the court should not dismiss his
2 case for failure to prosecute and failure to state a claim. Plaintiff's failure to respond to this
3 order will constitute a failure to comply with a court order and will result in dismissal of this
4 case. Accordingly, plaintiff must show cause within thirty days of the date of entry of this
5 order why the court should not dismiss his case for failure to state a claim and failure to
6 prosecute. Should plaintiff wish to continue with this lawsuit, plaintiff should also file a first
7 amended complaint.

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9 IT IS SO ORDERED.

10 Dated: November 17, 2020

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12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE
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